

REMARKS/ARGUMENTS

Applicants have carefully considered the Office Action dated November 13, 2003, and the references cited therein. Applicants respectfully request reexamination and reconsideration of the application.

Claims 20-23 and 84-85 stand rejected under 35 U.S.C. 103 (a) as being unpalatable over Glogau, Jordan (WO9825373), hereafter Glogau, all ready of record, in view of US Patent 5,799,081, Kim et al., hereafter Kim. Applicants have previously amended claim 20 to recite a method including the limitation " wherein the server security program distributes the content to a client system if the client system has a limited-use client program and wherein the limited-use client program limits reproduction of the content at the client system in at least one way" (claim 20, lines 6-8). In setting forth the current rejections, the Examiner admits that Glogau fails to explicitly disclose applicants newly added limitations wherein the server security program distributes the content to a client system if the client system has a limited-use client program and wherein the limited-use client program limits reproduction of the content at the client system in at least one way. Instead, the Examiner is relying on Kim, stating that Kim discloses an illegal view/copy protection for a digital broadcasting including a reproduce ability control field for limiting the reproduction of a copy program, and, further, that it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the copy protection method/system of Glogau by including the limitations detailed above as taught by Kim because this would prevent illegal viewing or copy.

Applicants respectfully traverse the Examiner's rejection on the ground that the Examiner has failed to create a *prima facie* case of obviousness. In accordance with MPEP §2143.03, to establish a *prima facie* case of obviousness 1) the prior art reference (or references when combined) must teach or suggest all of the claim limitations; 2) there must be some suggestion or motivation to modify a reference or combine references; and 3) there must be a reasonable expectation of success.

First, the sections of Kim cited by the Examiner (Abstract, col. 5, lines 64-67, col. 6, lines 1-17) in support of his contentions, do not teach, disclose or suggest those limitations which the Examiner has admittedly are missing from Glogau. Kim discloses

a system in which data recorded on a cassette tape contains a scrambled audio/video bitstream and Copy Protection Transmission Code (CPTC) information recorded thereon. The CPTC information may allow the copied cassette tape to always be reproducible, never reproducible, reproducible a limited number of times, or reproducible for a limited time after recording or copying (Kim, col. 6, lines 62-65 and 30-43). As such, the enforcement mechanism, CPTC information is contained on the physical cassette tape itself. Claim 20 specifically recites a method in which the server security program distributes the content to a client system if the client system has a limited-use client program and wherein the limited-use client program limits reproduction of the content at the client system. In Applicants system, it is the limited-use client *program* that limits reproduction of the *content* from the server. Conversely, in Kim, it is the actual medium that contains Copy Protection Transmission Code that limits reproduction of a physical media itself.

Second, Applicants further respectfully traverse the rejection of claim 20 on the grounds that the Glogau and Kim references are not properly combinable. There is no teaching, disclosure, suggestion that the apparatus/ method taught in the Glogau should be modified to include all or part of the teachings of Kim or that their respective teachings be combined. The Examiner's stated motivation for combining the references, by itself, is inadequate to support such assertion.

Third, the combination is improper because the proposed modification of Kim would change the principle of operation of the Glogau reference. Such a combination is prohibited by MPEP 2143.01 which specifically recites:

THE PROPOSED MODIFICATION CANNOT CHANGE THE PRINCIPLE OF OPERATION OF A REFERENCE

If the proposed modification or combination of the prior art would change the principle of operation of the prior art invention being modified, then the teachings of the references are not sufficient to render the claims *prima facie* obvious. *In re Ratti*, 270 F.2d 810, 123 USPQ 349 (CCPA 1959) (Claims were directed to an oil seal comprising a bore engaging portion with outwardly biased resilient spring fingers inserted in a resilient sealing member. The primary reference relied upon in a rejection based on a combination of references disclosed an oil seal wherein the bore engaging portion was reinforced by a cylindrical sheet metal casing. Patentee taught

the device required rigidity for operation, whereas the claimed invention required resiliency. The court reversed the rejection holding the "suggested combination of references would require a substantial reconstruction and redesign of the elements shown in [the primary reference] as well as a change in the basic principle under which the [primary reference] construction was designed to operate." 270 F.2d at 813, 123 USPQ at 352.).

As set forth in the previous response, the Glogau reference discloses a system by which client systems can authenticate to and access remotely stored web site components. Contrary to the Examiner's assertion, Glogau's disclose system is not a copy protection method/system, but a remote access authentication system. In Glogau, failure to authenticate would merely lead to lack of access to the content (Glogau, page 11, lines 4-6). Regarding Kim, as stated previously, Kim discloses a system in which data recorded on a cassette tape contains a scrambled audio/video bitstream and Copy Protection Transmission Code (CPTC) information recorded thereon. The CPTC information may allow the copied cassette tape to always be reproducible, never reproducible, reproducible a limited number of times, or reproducible for a limited time after recording or copying (Kim, col. 6, lines 62-65 and 30-43). As such, the enforcement mechanism, the CPTC information, is contained on the physical cassette tape itself. The proposed modification or combination of Kim with Glogau would change the principle of operation of Glogau, i.e. Glogau would no longer be a remotely accessible network authentication system. In addition, Applicants are puzzled how the cassette tape of Kim could somehow be combined with or used to authenticate to and access the remotely stored web site components of the computer network security system disclosed in Glogau. Accordingly, the teachings of the references are not combinable and, therefore, insufficient to render the claims *prima facie* obvious.

As additional grounds, Applicants respectfully traverse such rejection on the grounds that the Examiner has failed to create a *prima facie* case of obviousness since there must be a reasonable expectation of success. It is not clear how the teachings of Glogau and Kim would be combined as the proposed modification of Kim, which has a primarily physical recording media based mechanism, would change the principle of operation of the Glogau reference, which has a primarily software-based computer network system. See, for example, MPEP 2143.01. Neither reference includes a

teaching suggestion or motivation as to how these disparate technologies would be combined to accomplish the subject matter as claimed. Accordingly, there can be no expectation of success in such combination. As such, Applicants respectfully traverse such rejection of on the grounds that the Examiner has failed to create a *prima facie* case of obviousness since there must be a reasonable expectation of success.

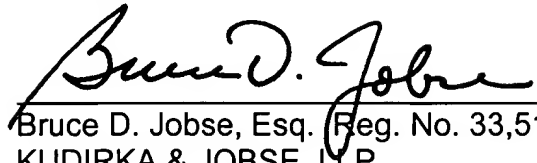
In addition, claim 20 has been amended to now recite a method of receiving compensation for a security system for protecting content distributed over a *computer network* (claim 20, line 2; emphasis added). Claims 21 and 23 include all the limitations of claim 20 and are likewise believed patentable over Glogau in view of Kim for at least the same reasons as claim 20, as well as on the merits of their own respective limitations.

Claims 84-85 are likewise believed patentable over Glogau and Kim for at least the same reasons as claim 20, as well as on the merits of their own respective limitations. In addition, claim 84 has been amended to now recite a method of receiving compensation for distributing protected content over a *computer network* (claim 84, line 2; emphasis added). Similarly, claim 85 has been amended to now recite a computer program product for use with a computer system operatively connectable to a *computer network* and capable of distributing protected content over a *computer network* (claim 85, line 2; emphasis added).

Applicants respectfully reassert all of the arguments and traversals set forth in prior responses to the extent still relevant to the outstanding rejections. If after considering the above remarks and amendments, the Examiner is still not of the opinion that allowable subject matter is claimed, Applicants respectfully request a telephone interview with the Examiner and his respective Supervisory Patent Examiner to resolve any outstanding issues prior to issuance of any further office actions.

Applicants believe the claims are in allowable condition. A notice of allowance for this application is solicited earnestly. If the Examiner has any further questions regarding this amendment, he/she is invited to call Applicants' attorney at the number listed below. The Examiner is hereby authorized to charge any fees or credit any balances under 37 CFR §1.17, and 1.16 to Deposit Account No. 02-3038.

Respectfully submitted,



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